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State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

December 31, 2013

David L. Penney
PO Box 312
Beaver, Utah 84713

Subject: Deficient Notice of Intention to Commence Rapunzel, Penny's Gemstones LLC., S/023/083, Juab County, Utah

Dear Mr. Penny:

The Division has reviewed the referenced amended Notice of Intention to Commence Small Mining Operations (NOI), and the following items will need to be addressed before the NOI can be determined complete:

1. Section I item 2A. The name listed with the Division of Corporations is Penny's Gemstones LLC., not David L. Penny/Penny's Gemstones LLC. Please change the name to that listed with the Division of Corporations.
2. Section I item 5. Please list the surface owner(s).
3. Section II item 3. Please supply a general location map and an operations map. The general location map should be on a USGS topographic map and show how to get to the site from a paved road or other known landmark. Given the location of the site, it may be necessary to include a third map. The operations map should be at a scale of about 1 inch equals 200 feet and show the location of the proposed disturbed area, topsoil and overburden stockpiles, other facilities, and access to the site from an existing road.
4. Section III item 8. Please list the exact acreage for the disturbed area. The surety will be calculated based on this figure which is currently listed as 5-10 acres.

The current NOI is in the name of Earth Partners for which you were listed as a partner. The Division will consider this amendment as a change in the name of the operator rather than a permit transfer.

Because of the uncertainty in the number of acres to be disturbed, the Division cannot calculate the amount of the required reclamation surety. You will be informed of this amount when the Division has adequate information to make the calculation.

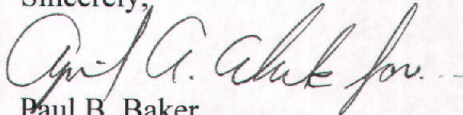


Page 2 of 2
David Penny
S/023/0083
December 31, 2013

Please provide your response as replacement pages to the original NOI, using Form MR-REV-SMO/EXP, available on the Division's web site at www.ogm.utah.gov

Please call Wayne Western at 801-538-5263 or me at 801-538-5261 if you have any questions regarding this letter. In reply, please refer to file number S/023/0083. Thank you for your cooperation.

Sincerely,

A handwritten signature in dark ink, appearing to read "Paul B. Baker", written over the printed name.

Paul B. Baker

Minerals Program Manager

PBB: whw: eb

cc: Duane Bays, Fillmore BLM (dbays@blm.gov)

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